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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/943,661	08/30/2001	Marc Robidas	SYCS-009	1127
959	7590	10/04/2005	EXAMINER	
LAHIVE & COCKFIELD, LLP. 28 STATE STREET BOSTON, MA 02109			PHAN, HANH	
			ART UNIT	PAPER NUMBER
			2638	
DATE MAILED: 10/04/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/943,661	ROBIDAS ET AL.	
	Examiner	Art Unit	
	Hanh Phan	2638	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 August 2001.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-31 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This Office Action is responsive to the Amendment filed on 08/31/2005.
2. Applicant's request for reconsideration of the finality of the rejection of the last Office action is persuasive and, therefore, the finality of that action is withdrawn.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-31 are rejected under 35 U.S.C. 102(e) as being anticipated by Fee (US Patent No. 6,285,475).

Regarding claims 1, 13 and 21, referring to Figures 1 and 2, Fee teaches in a switched communication network having an optical layer for photonic transport of data, a method for handling a failure of an established circuit to avoid end-to-end tear down and re-establishment of the established circuit, the method comprising the steps of:

providing a first optical node (i.e., SITE A, Fig. 2) and a second optical node (i.e., SITE B, Fig. 2);

detecting the failure of the established circuit between the first optical node and second optical node of the established circuit by any of the first and second optical nodes (i.e., PROCESSOR/CONTROLLERS 250 and 252 detect the failure of the established circuit between the SITE A and SITE B of the established circuit by any of the SITE A and SITE B , Fig. 2);

reporting the failure of the established circuit to a control optical node in the optical layer by one of the first optical node and said second optical node (i.e., processor/controllers 250 and 252 report the failure of the established circuit to a control optical node (i.e., SITE A), Fig. 2); and

with the control optical node (i.e., SITE A, Fig. 2) initiating restoration of the established circuit between the first optical node and the second optical node of the established circuit (col. 1, lines 45-67, col. 2, lines 1-67 and col. 3, lines 1-42).

Regarding claims 2 and 22, Fee further teaches the step of recording a number of the failures over a period of time to determine performance metrics of the switched communication network (col. 2, lines 40-67 and col. 3, lines 1-42).

Regarding claims 3 and 23, Fee further teaches the failure concerns a communication link coupled to the first optical node and to the second optical node (Figs. 2, 3C and 3D).

Regarding claims 4 and 24, Fee further teaches the communication link comprises a trunk (Fig. 2).

Regarding claims 5 and 25, Fee further teaches communication link comprises a channel of the trunk (col. 1, lines 45-67, col. 2, lines 1-67 and col. 3, lines 1-42).

Regarding claims 6 and 26, Fee further teaches the step of regenerating the established circuit from a source optical node of the established circuit where the restoration of the established circuit between the first optical node and the second optical node fail to restore the established circuit (col. 1, lines 45-67, col. 2, lines 1-67 and col. 3, lines 1-4).

Regarding claims 7, 14 and 27, Fee further teaches the step of routing traffic between the first optical node and the second optical node through a restored trunk (Figs. 2, 3C and 3D, col. 2, lines 40-67 and col. 3, lines 1-42).

Regarding claims 8 and 28, Fee further teaches the step of generating a revised path trace to indicate the restoration of the established circuit (see Figs. 2, 3C and 3D).

Regarding claims 9, 16 and 29, Fee further teaches the first optical node (i.e., SITE A) is the control optical node (Fig. 2).

Regarding claims 10 and 30, Fee further teaches the second optical node (i.e., SITE B) is the control optical node (Fig. 2).

Regarding claims 11, 20 and 31, Fee further teaches the established circuit comprises a label switched path (col. 3, lines 1-11).

Regarding claims 12 and 17, Fee further teaches the optical nodes comprise optical cross connect switches (i.e., OCCS 350, Fig. 3B).

Regarding claim 15, Fee further teaches a network topology database to track network topology and the method further comprising the step of, revising a network topology database to indicate the selection of the alternative trunk (Fig. 2).

Regarding claims 18 and 19, Fee further the alternative trunk has a bandwidth capacity equivalent to the failed trunk (Fig. 2).

Response to Arguments

5. Applicant's arguments with respect to claims 1-31 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hanh Phan whose telephone number is (571)272-3035.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kennenth Vanderpuye, can be reached on (571)272-3078. The fax phone number for the organization where this application or proceeding is assigned is (571)273-8300.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)305-4700.


HANH PHAN
PRIMARY EXAMINER